

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

BABY DOE, *et al.*, )  
Plaintiffs, )  
v. )  
JOSHUA MAST, *et al.*, )  
Defendants, )  
And )  
UNITED STATES SECRETARY OF )  
STATE ANTONY BLINKEN, *et al.*, )  
Nominal Defendants. )  
Case No. 3:22-cv-00049-NKM

**MOTION AND MEMORANDUM IN SUPPORT OF**  
**ORDER DIRECTING CLERK TO REQUEST INFORMATION**  
**HELD BY A VIRGINIA CIRCUIT COURT**

Defendant Richard Mast hereby moves this honorable Court, as noted in his previously filed opposition to Plaintiffs' motion for a protective order (Dkt. No. 171<sup>1</sup>) ("Opposition Memorandum"), for an order to the clerk of this Court—the United States District Court for the Western District of Virginia—to request in writing that the state court clerk from the Fluvanna County Circuit Court provide a copy of certain information maintained under seal by the Virginia Circuit Court in the case *A.A. and F.A. v. Joshua Mast and Stephanie Mast*, Case No.: CL22000186-00. The specific documents in the

<sup>1</sup> Def. Richard Mast Opp'n to Pls.' Mot. for Entry of Prot. Order (Dkt. No. 171) at 2: "Defendant Richard Mast, by separate motion, will move this Court to request other evidence in support of this opposition maintained by the Virginia Circuit Court under seal."

Fluvanna County Circuit Court proceeding being sought for transfer to this Court are referenced in the Opposition Brief as Exhibits 4, 5, 7, 11, 12, 13, 14, and 15.

The reason for this rather unusual request is that all of the documents being sought have been placed under seal in the Circuit Court, at least for now, at the request of counsel for the U.S. government. Defendants (and presumably Plaintiffs) do not have copies of the documents. The clerk of the state court has indicated to Defendant Richard Mast directly that the Circuit Court would entertain a request to transfer the documents on condition they are requested by the clerk of this Court. (The clerk of the Circuit Court would then be in a position to either make a decision on the request or determine which official(s) should be included in such decision.) Without the clerk of this Court's request to the Circuit Court, Defendant Richard Mast is otherwise unable to obtain the exhibits for consideration by this Court. The following table provides (1) the exhibit numbers as referenced in the Opposition Memorandum; (2) the corresponding docket numbers of the documents in the Circuit court; and (3) a short description of the documents.

<b>Exhibits Referenced in Opp'n Mem. Filed in this Court (Dkt. No. 171)</b>	<b>Corresponding Documents to be Requested from State Circuit Court Clerk</b>	
<b>Exhibit No.</b>	<b>Circuit Court Case Dkt No.</b>	<b>Description of Ex. Docs.</b>
Exhibit 4	Circuit Court Dkt. 23	Respondent Masts' Answer & Attachments (filed May 19, 2022)
Exhibit 5	Circuit Court Dkt. 21	Masts' Motion for Protective Order & Attachments (filed May 17, 2022) including pages styled "(DOD) TSC.pdf" that was produced by the Mast Respondents to "John Doe" and "Jane Doe" Petitioners on May 3, 2022

Exhibit 7	(No docket number – believed to be within attachments of Dkt. 21)	30 Aug 2021 TECS TIDE terrorism record of “John Doe.”
Exhibit 11	Circuit Court Dkt. 24	Plaintiffs’[Petitioners’] Motion for only relevant things
Exhibit 12	Circuit Court Dkt. 25	Plaintiffs’ [Petitioners’] Motion in Limine to Exclude Official and [purportedly] Classified Information Absent Express Written Authorization (filed May 19, 2022);
Exhibit 13	Circuit Court Dkt. 27	Plaintiffs’ [Petitioners’] Response to Masts’ Motion for Protective Order (filed May 20, 2022).
Exhibit 14	Circuit Court Dkt. 28	Plaintiffs’ [Petitioners’] Motion to exclude testimony
Exhibit 15	Circuit Court Dkt. 29	Plaintiffs’ [Petitioners’] Motion for Pseudonyms

### CONCLUSION

For the above reasons, the undersigned respectfully moves this Court to enter an order ordering the Clerk of the Western District of Virginia to request from the Clerk of Fluvanna County Circuit Court a copy of the identified documents.

February 28, 2023

Respectfully submitted,

*/s/*David Yerushalmi  
 David Yerushalmi, Esq.\*  
 American Freedom Law Center  
 2020 Pennsylvania Avenue NW, Suite 189  
 Washington, D.C. 20006  
 (\*Admitted *pro hac vice*)

E. Scott Lloyd  
Lloyd Law Group, PLLC  
Va. Bar # 76989  
20 E. 8th Street, Suite 3  
Front Royal, VA 22630  
Office: (540) 823-1110  
Cell: (540) 631-4081  
Fax: (540) 583-4279  
scott@lloydlg.com

*Counsel for Defendant Richard Mast*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically: none.

*/s/*David Yerushalmi  
David Yerushalmi, Esq.